IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2007

CORAM:

The HONOURABLE MR.JUSTICE V. DHANAPALAN

W.P.No.6111 of 2007

Vishwanath Swami ... Petitioner

vs.

1. The Tamil Nadu Information Commission,
rep. by its Secretary,
Kamadhenu Super Market (1st Floor),
Old No.273/New No.378, Anna Salai,
Teynampet,
Chennai 600 018.

2. The Commissioner of Police,
Greater Chennai,
Egmore, Chennai 600 008.

3. The Superintendent of Police,
Crime Branch - C.I.D. (North Zone),
Omandhurar Government Estate,
Chennai 600 002. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the first respondent to forthwith ensure compliance of the provisions of the Right to Information Act, 2005 by the second and third respondents by ensuring that all the information sought for by the petitioner including the documents to be supplied by the second and third respondents are provided to the petitioner and further direct the first respondent to proceed further with the show cause notice issued for imposition of penalty, compensate the petitioner and initiate such other steps as are provided under the provisions of the Right to Information Act, 2005, including initiation of departmental proceedings against the person(s) responsible for denying the information sought for by the petitioner.

For Petitioner : Mr.Viswanath Swami
Party-in-person

For Respondents: Mr.G.Rajagopal, Senior Counsel
for M/s.G.R.Associates, for R1

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Mr.A.Edwin Prabakar, for R2 & R3
Addl. Government Pleader
assisted by Mr.L.S.M.Hasan Fizal,
Government Advocate

O R D E R

The petitioner, as a party-in-person has filed this writ petition for a direction to the first respondent to forthwith ensure compliance of the provisions of the Right to Information Act, 2005 by the second and third respondents by ensuring that all the information sought by him including the documents to be supplied by the second and third respondents are provided to him and further direct the first respondent to proceed further with the show cause notice issued for imposition of penalty, compensate him and initiate such other steps as are provided under the provisions of the Right to Information Act, 2005, including initiation of departmental proceedings against the person(s) responsible for denying the information sought by him.

2. The case of the petitioner is, as follows:

(i) Since 2001, the petitioner has been trying to expose one self proclaimed "Kalki Bhagawan" and his multi crore business activities behind the scene, through media and subject his unlawful activities to the legal scrutiny. In March 2005, when the said "Kalki Bhagawan" conspired to kidnap and kill the petitioner, the police arrested one front-man, namely, Murugappan, along with his vehicle. The said front-man gave a written confessional statement naming "Kalki Bhagawan" and others who were involved in the conspiracy and he was in jail custody for a month, until conditional bail was granted by this Court. The case was then transferred from Mylapore E-1 Police Station (FIR No.320/2005) to Central Crime Branch (C.C.B.), Chennai, which is controlled by the Commissioner of Police, Greater Chennai. One Inspector of Police, S.V.Mahabharathi (Investigating Officer) re-registered the case in C.C.B. Crime No.284/2005 and investigated the matter. Later, the Investigating Officer and 3 other Senior Police Officers took huge bribe from "Kalki Bhagawan", completely distorted the case of the petitioner by manipulating the documents/records and illegally exonerated 5 high profile accused persons and filed charge sheet against the lone front-man before the Trial Court in C.C.No.6073 of 2005. When the petitioner was called as a Prosecution Witness No.1 before the learned Judge, XI Metropolitan Magistrate Court, Saidapet, he submitted a

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sworn affidavit stating the corrupt practices of Central Crime Branch, Chennai and subversion of law and on 27.04.2006, he filed a petition before this Court under Section 482 Cr.P.C. in Crl.O.P.No.11551 of 2006 for ordering re-investigation of the entire case and also for punishing the corrupt police officers.

(ii) In order to prove his allegations of corruption and subversion of law against the said "Kalki Bhagwan" , the petitioner required 3 documents from the Central Crime Branch (C.C.B.) and for this purpose, he had struggled to get the required information and documents under the R.T.I. Act 2005, but with malafide intention, the C.C.B. has denied his requests, with one pretext or the other. On 14.11.2006, the State Chief Information Commissioner has passed an order only partially accepting the petitioner's case, without properly applying his mind. Being aggrieved by the impugned order, the petitioner, having no other alternative except to approach this Court has filed the present writ petition for the aforesaid relief.

3. The first respondent, in his counter has specifically denied the averment made by the petitioner that the Commission has passed orders on 09.11.2006 imposing penalty. It is stated that since the Public Information Officer sought adjournment on 09.11.2006 to have interaction with her superior due the sensitive nature of the case, the Commission merely adjourned the matter to 14.11.2006 and on 14.11.2006, the Commissioner of Police appeared before the Commission and sought exemption for production of certain records under Section 8(1)(h) of the Right to Information Act, 2005, and after hearing the matter, the Commission passed a detailed order on 14.11.2006.

4. In the counter filed on behalf of the second and third respondents, it is stated as follows:

(i) No prejudice is caused to the petitioner since all the documents have been furnished to him, as per the directions of the Hon'ble State Information Commission.

(ii) The petitioner, who had been closely associated with a person popularly known as 'Kalki Bhagawan' parted company with him following a rift, after the petitioner questioned the activities of the said Kalki Bhagawan and his son. The petitioner stayed in Chennai and started collecting materials about Kalki Bhagawan for the reasons best known to him. Thereafter, the petitioner became acquainted with one Murugappan, who posed as a journalist

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and offered to take the petitioner to 'Akkarai Bungalow', which was said to be one of the properties of Kalki Bhagawan. But, the petitioner gave a complaint against Murugappan and others which was registered in Cr.No.320 of 2005 of E1 Mylapore Police Station, u/s 419, 380 and 506 (ii) IPC r/w 120(b) IPC and the same was transferred to Central Crime Branch, Chennai and re-registered on 16.04.2005 as Central Crime Branch, Chennai Cr.No.284/2005 and investigation taken up again.

(iii) On completion of the investigation, it was found that there was no evidence at all to proceed against the said Kalki Bhagawan, his son and others. However, based on the available evidence, the Inspector of Police filed a charge sheet against the said Murugappan alone u/s 419, 380 and 506(ii) I.P.C.

(iv) As per G.O.Ms.No.1043, Public (Estt.1 and Leg.) dated 14.10.2005, the City Central Crime Branch was exempted from furnishing information. Subsequently, the three documents were given on the directions of the Tamil Nadu State Information Commission by second respondent to the petitioner forthwith.

(v) The Right to Information Act 2005 (Central Act 22 of 2005) is not applicable to certain departments and organisations as mentioned in Sections 8 and 24 of the said Act.

(vi) the proviso to Section 24(4) of Right to Information Act has been misused by the petitioner.

(vii) When the petitioner insisted for imposing of levy against public authority for delay in furnishing information as per the Right to Information Act, the Commission explained to the petitioner that the penal provision of the Act could be invoked only when there is malafide intention.

(viii) As per the provisions of Section 8(g) and (h) and G.O.Ms.No.1043, Public (Estt.I and Leg.) dated 14.10.2005, the petitioner cannot seek information as of right and the prayer sought by the petitioner is wholly unsustainable in law.

5. In the additional counter affidavit filed by the third respondent, it is stated that on completion of investigation, the prosecution had referred the case as "Mistake of Fact" on

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30.04.2007. The negative final report was also filed in the same CC No.6073 of 2005 before the learned XI Metropolitan Magistrate, Saidapet, Chennai on 08.06.2007 after serving RC Notice to this petitioner on 07.06.2007 along with the documents collected during investigation conducted by CB CID, which includes the documents required to be furnished by the third respondent as mentioned in the earlier counter affidavit. The documents were checked and received by the learned XI Metropolitan Magistrate, Saidapet, Chennai 600 015 on 18.06.2007. It is further stated that since all the originals and copies of the records collected at the time of investigation including certain documents asked for by this petitioner have already been filed before the learned XI Metropolitan Magistrate, Saidapet, Chennai, the petitioner can very well approach the said Court and obtain the copy of the documents by filing appropriate application.

6. The petitioner has also filed rejoinders to the counter affidavits of the respondents and additional counter affidavit of the third respondent, stating that his allegations are based on the facts and documentary evidences and that not all the documents were given to him as claimed. He has stated that he never demanded the arrest of 'Kalki Bhagawan' and his son and he was never a part of his 'Ashram'.

7. Heard Mr.Viswanath Swami, party-in-person, Mr.G.Rajagopal, learned Senior Counsel appearing for the first respondent and Mr.A.Edwin Prabakar, learned Addl. Government Pleader for the second and third respondents.

8. Mr.Viswanath Swami, party-in-person, has put forth the following contentions:

(a) the order of the first and second respondents are contradictory and as a result of the arbitrary direction on the part of the State Information Commission, the petitioner has been given the document, censoring vital information.

(b) while the Commissioner of Police has written to the petitioner on 14.09.2006 that the information/documents called for could not be furnished as they are not available in Chennai City Police Office, after 2 months, i.e. on 14.11.2006, she has furnished certain documents, which, as per the Right to Information Act, is an act of misleading the petitioner.

(c) while under Section 5(1) of the Right to Information Act, every public shall, within 100 days of enactment of the RTI Act, designate Public Information Officer, the C.B.C.I.D. has not even appointed a 'Public Information Officer' till date.

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(d) the first respondent has failed to exercise the rights available to it under Section 19(8) of the RTI Act, such as to compensate the complainant for the loss or other detriment suffered or imposition of penalty, thereby granting premium to the second and third respondents to defy the provisions of the RTI Act.

9. The petitioner, in support of his contentions, has relied on certain Sections of the Right to Information Act, 2005, which read as follows:

"8. Exemption from disclosure of information:

(h) Information which would impede the process of investigation or apprehension or prosecution of offenders;

10. Severability: (1) Where a request for access to information is rejected on the ground that it is in relation to information which is exempt from disclosure, then, notwithstanding anything contained in this Act, access may be provided to that part of the record which does not contain any information which is exempt from disclosure under this Act and which can reasonably be severed from any part that contains exempt information.

(2) Where access is granted to a part of the record under sub-section (1), the Central Public Information Office or State Public Information Officer, as the case may be, shall give a notice to the applicant, informing -

(a) that only part of the record requested, after severance of the record containing information which is exempt from disclosure, is being provided;

(b) the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based'

24. Act not to apply to certain organisations :

(1) Nothing contained in this Act shall apply to the intelligence and security organisations specified in the Second Schedule, being organisations established by the Central Government or any information furnished by such organisations to that Government:

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Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section:

(4) Nothing contained in this Act shall apply to such intelligence and security organisations being organisations established by the State Government, as that Government may, from time to time, by notification in the Official Gazette, specify:

Provided that the information pertaining to the allegations of corruption and human rights violations shall not be excluded under this sub-section:

Provided further that in the case of information sought for is in respect of allegations of violation of human rights, the Information shall only be provided after the approval of the State Information Commission and notwithstanding anything contained in section 7, such information shall be provided within forty-five days from the date of receipt of request.

10. Further, the petitioner has also brought to the notice of this Court the notification issued by the Government of Tamil Nadu in Government Gazette Part-II, Section 2, Issue No.226, the orders passed in G.O.Ms.No.1043, Public (Estt.I & Leg.), dated the 14th October 2005, which reads as follows:

No.II(2)/PUEL/778/(c)/2005 : In exercise of the powers conferred by sub-section (4) of section 24 of the Right to Information Act, 2005 (Central Act 22 of 2005), the Governor of Tamil Nadu hereby specifies the following Intelligence and Security Organizations established by the Government of Tamil Nadu for which the said Act shall not apply:-

1. Crime Branch CID
2. Special Investigation Team
3. Video Piracy Cell
4. Narcotics Intelligence Bureau
5. Anti-Dacoity Cell
6. Economic Offence Wing
7. Economic Office Wing - II
8. Idol Wing
9. CCIW CID
10. Civil Supplies CID
11. Cyber Crime Cell
12. District Crime Branches and City Crime Branches

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13. Special Task Force
14. Tamil Nadu Commando Force
15. Tamil Nadu Commando School
16. Coastal Security Group
17. Finger Prints Bureau
18. Police Radio Branch

11. Learned Senior Counsel for the first respondent has put forth the following contentions:

(a) the frivolous allegations of the petitioner against the first respondent Commission are highly reprehensible.

(b) it is incorrect that the Commission passed orders on 09.11.2006 imposing penalty on the petitioner, since the Commissioner of Police appeared before the Commission and sought exemption for production of certain records under Sections 8(1) (h) of the Right to Information Act, 2005 and after hearing the matter, the Commission passed a detailed order only on 14.11.2006, a copy of which has also been given to the petitioner.

12. Learned Addl. Government Pleader appearing for the second and third respondents has contended that :

(a) this writ petition has been preferred by the petitioner only because Kalki Bhagawan and his son were not arrested.

(b) the averments made by the petitioner against the police officers are false.

(c) the first respondent did not impose any fine, but directed the then Public Information Officer to furnish the documents to the petitioner and as directed, the documents were furnished to the petitioner.

(d) the Right to Information Act, 2005 (Central Act 22 of 2005) is not applicable to certain Departments and organisations as mentioned in Section 8 and 24 of the said Act.

(e) the proviso to Section 24(4) of the Right to Information Act has been misused by the petitioner

(f) the first respondent would be the proper authority to respondents.

(g) partial documents can be furnished as per the provisions contained in Section 10 of the Right to Information Act.

(h) From the Rule 339 of the Criminal Rules of Practice , the petitioner can apply before the Criminal Court to ask for the copies on payment of proper court fee and instead, he is asking the same before this Court.

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(i) G.O. Ms.No.1043 is clear on the exemption as the Department has been exempted from the applicability of the same.

13. I have considered the submissions made by the petitioner-in-person and the learned counsel for the respondents.

14. On a careful analysis of the case, it is seen that the relief sought by the petitioner is three-fold, viz.,

(i) to direct the first respondent to ensure compliance of the provisions of the Right to Information Act, 2005 by the second and third respondents by ensuring that all the information sought by the petitioner including the documents to be supplied by the second and third respondents are provided to the petitioner,

(ii) to direct the first respondent to proceed further with the show cause notice issued for imposition of penalty and compensate the petitioner and

(iii) to initiate such other steps as are provided under the provisions of the Right to Information Act, 2005 including initiation of departmental proceedings against the person(s) responsible for denying the information sought for by the petitioner.

15. In this case, it is seen that the petitioner who had been closely associated with Kalki Bhagavan, parted company with him following a rift after the petitioner questioned the activities of the latter and his son. Due to this rift, the petitioner had come out from the Ashram and stayed in Chennai for gathering information about Kalki Bhagavan to take certain action against him. It is also seen that the petitioner had given a complaint against one Murugappan and others who had taken him to Akkarai bungalow belonging to Kalki Bhagavan and a complaint had been registered in Crime No.320 of 2005 of E.1 Mylapore Police Station under Section 419, 380 and 506 (ii) IPC read with 120 (b) IPC. It appears that the petitioner had been insisting that the police should take action against Kalki Bhagavan and his son and this case filed before E.1 Police Station had been transferred to Central Crime Branch, Chennai and re-registered on 16.04.2005 as Central Crime Branch Cr. No.284 of 2005 and investigation had been taken up therein. The investigation had been processed and on completion of the investigation, it was found that there was no evidence to proceed against Kalki Bhagavan, his son and others. However, based on the

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evidence available, the Inspector of Police filed a charge sheet against Murugappan alone who had taken the petitioner to Akkarai bungalow under Section 419, 380 and 506(ii) IPC and the same was taken on file by the learned XI Metropolitan Magistrate, Saidapet in CC No.6073/2005 on 05.10.2005.

16. To decide whether the relief sought by the petitioner for providing the information and the documents and for initiating action to proceed further with the show cause notice and also for departmental action can be granted, the records and the materials placed before this Court have been perused and taken into consideration and it appears that some documents filed in the typed-set of papers would reveal certain particulars which are shown in the following tabular column.

Sl. No.	Information sought by the petitioner	Information provided by the P.I.O.	Reasons for not providing information
1	Copy of the letter No.180 of DC, Mylapore addressed to the JCOP, South dated 30.03.2005	Furnished on 14.11.2006 except one paragraph of the letter	As per the directions of the State Chief Information Commissioner, RTI Act, Chennai dated 14.11.2006 withheld para directed to be communicated after investigation is completed by CBCID
2	The complaint letter dated 17.05.2006 before the Commissioner of Police, Chennai City, what necessary action was taken on that to redress the petitioner's grievance	COP has replied in her letter dated 14.11.2006 to the petitioner	--

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Sl. No.	Information sought by the petitioner	Information provided by the P.I.O.	Reasons for not providing information
3	161 statement given by the petitioner in English to the I.O. - 3 page original statement copy	Not furnished	The entire case diary file has been handed over to CBCID, Chennai on 18.07.2006 itself. In the absence of the relevant filed which was handed over to CBCID, Chennai, the information/documents called for are not available in Chennai City Police Office and therefore could not be furnished. The reasons adduced in this column have been intimated to the petitioner on 14.09.2006 itself.
4	Departmental action initiated against I.O. And other police officers	Information furnished - Departmental action initiated against the I.O. and other police officers can be decided only after the completion of the investigation by the CBCID - petitioner informed of the same on 14.09.2006 itself	--
5	Opinion of the Deputy Director of Prosecution	Furnished on 14.11.2006	--
6	Information sought by the petitioner pertaining to telephone records obtained by the I.O.	Third respondent (CBCID) would be the proper authority to respond as per the directions of the Information Commission	--

17. In this context, it would be useful to analyse the following information gathered from the records available before this Court.

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S. No.	Information sought by the petitioner	Action in this regard
1	Letter addressed to the COP, Chennai City from the petitioner dated 21.03.2006 (Application form enclosed) Information sought – letter of DC, Mylapore addressed to the COP, Chennai City dated 30.03.2005	On behalf of P.I.O, Inspector of Police, Central Crime Brnach, Team VIII informed the applicant about the existence of G.O. Ms.No.1043, Public (Estt. I & Leg.) dated 14.10.2005. Section 24(4) of RTI Act provisions quoted.
2	Letter addressed to the P.I.O. by the petitioner dated 15.07.2006 – seeking 6 information	Not furnished – Section 24(4) of RTI Act and G.O. Mentioned above relied upon.
3	First Appeal preferred by the petitioner to the appellant authority/ Senior Public Information Officer dated 24.08.2006	P.I.O. Acknowledged – Intimating the petitioner that reply will be sent shortly – letter dated 25.08.2006
4	Reminder sent to the COP by the petitioner dated 14.09.2006	Replied to the petitioner in her letter Rc.No.39/70279/PG.I(1)/ RTI/06 dated 14.09.2006 – reply given by the COP for the petitions given by the petitioner dated 14.08.2006 and 14.09.2006
5	Appeal preferred by the petitioner u/s 19 of RTI Act before the State Chief Information Commissioner on 05.10.2006	Appeared and argued since there was no mala fide intention on the part of the respondents, no fine was imposed. But Commission directed to furnish information to the petitioner as prayed for. In deference to the orders of the Commission, information furnished forthwith.
6	Information sought by the petitioner from the T.N. State Information Commission dated 14.12.2006 with regard to show cause notice alleged to have been issued by the Commission and reply of the P.I.O. Alleged to ahve been filed before the State Information Commission.	Alleged Show Cause Notice not issued. Filing of reply did not arise. No fine was imposed.

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18. From a perusal of the above information, it is seen that certain information has been furnished and certain information not furnished in view of the relevant provisions contemplated under Sections 8(1)(h), 10 and 24(4) of the Act as well as G.O. Ms.No.1043, Public (Estt. I & Leg.) dated 14.10.2005.

19. It is to be noted that the first respondent, in its order dated 14.11.2006, had opined as under:

> "However, during the period this transfer took place and there was a time gap when the documents were still in the possession of COP. Also since there is an allegation of corruption, immunity granted to CCB and the CB-CID over the documents does not operate. Under the circumstances, the petitioner came on 2nd appeal to the Commission. The Commission rules that such documents which are not part of the current investigation by CB-CID has to be handed over to the petitioner and those which are part of the investigation should be given to him after the investigation is over and case is filed."

20. In this context, it would also be useful to refer to the directions given by the first Respondent in its order, dated 14.11.2006.

> (i) The original 161 statement made by the complainant in English. This is the document which is given by the petitioner himself and cannot be held as confidential has to be handed over to him;
>
> (ii) The Commissioner of Police's remarks on his complaint letter dated 17.05.2006 presented to COP, as to whom the letter was referred and what action has been taken for redressal of his complaint.
>
> This information should also be furnished to the petitioner as no privilege for this arises also;
>
> (iii) The telephone record obtained by the Investigation Officer for telephone Nos.98840 26688, 98840 12348 and 5587 1728. It was averred by the officer from the CB-CID that these records are pertaining to a third party. As such, under RTI Act notice have to be issued to the third party concerned and 10 days time should be given for them to respond and their response evaluated and a decision should be taken by the Public Information Officer. If no valid objection is raised or reply is not received within 10 days or if any overwhelming public purpose is seen, the information

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must be given. Public Information Officer, CB-CID is to ensure this.

(iv) The report of the Deputy Director of Prosecution dated 10.06.2006 to the CCB. This document does not appear to be a privileged document under the Act and may be given.

(v) A copy of the Mylapore Deputy Commissioner's report dated 30.03.2005 stating that he is transferring the case to CCB from Mylapore E1 police station. The Public Authority represented that this report contains vital information pertaining to another ongoing investigation and which should not be revealed now and as it will jeopardize the investigation at the movement. The commission would suggest that the other 3 paragraphs of the report may be given immediately to the petitioner and withheld paragraph, may be given communicated to him after the investigation is completed, which according to the CB-CID would be over by the end of January 2007.

(vi) The details of departmental action initiated against some police officials mentioned in the complaint dated 17.05.2005."

21. The main grievance put forth by the petitioner is that the documents furnished to him are not exempted ones and certain documents which have been furnished are not relevant. It is to be decided whether this Court, in the light of the above provisions, can examine whether the documents furnished are relevant or not. As the matter has been completely seized of by the first respondent under the relevant provisions of the Act, the only issue involved in this petition is whether certain documents which were not furnished can be exempted from the purview of the Act or not and if it is not exempted, whether the directions sought in this petition can be considered or not.

22. From an analysis of the provisions and the exemptions under Section 24(4) of the Act and G.O. Ms.No.1043, the issue for consideration comes under the purview of the allegation of corruption. From the petitioner's case, as culled out from the materials available on record, it is not known for what reasons he has parted company with Kalki Bhagavan to expose the latter's multi-crore business activities behind the scene through media and subject his unlawful activities to legal scrutiny and as to why he apprehends certain conspiracy against him. The documents/information which the petitioner is not entitled to have under the Act have to be scrutinised by the first respondent. Accordingly, a direction has been issued and the same has been

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scrupulously followed and certain documents were furnished and some of them were not given. Also, the action initiated and the relief in respect of taking action against the responsible officers are all matters which can be considered at the stage on the finality of the culmination of the criminal proceedings and the ultimate conclusion whether the responsible officers are found guilty or not are all matters to be decided at a later point of time. So far as the relief in question whether the mandamus directing the respondents 2 and 3 to provide the documents sought by the petitioner can be given and whether the documents which were denied are exempted under the relevant provisions, can be considered only in the light of the provisions of the Act and this can be exempted on the allegation of corruption and human rights violation.

23. The petitioner has specifically pleaded that the Investigating Officer and the three other senior Police officers took huge bribe from Kalki Bhagavan and illegally exonerated five high profile accused persons and filed charge sheet against the lone front man before the Trial Court (C.C. No.6073/2005) and in order to do this, the Investigating Officer has completely distorted his case and manipulated the documents/records and he has consistently contended that this is a case coming under the purview of corruption and therefore, exemption provided under the Act under Section 24(4) which specifically provide that information pertaining to allegation of corruption and human rights violation shall not be excluded under this sub-section 4. However, in G.O.Ms.No.1043 which has already been extracted, under item 1, Crime Branch, CB-CID which is the subject matter of this writ petition, has been listed. Because of this notification under the Tamil Nadu Gazette dated 14.10.2005, in exercise of the powers conferred upon the Government to notify and the applicability of the Act, in the instant case, CB-CID is exempted from the applicability of the Act and accordingly, the respondents have acted on it in the light of the provisions contemplated under Sections 8(1)(h) and 24(4) of the Act and G.O.Ms.No.1043. As the notification has not made anything clear about the exemption granted under the proviso, the Government of Tamil Nadu has to clarify the position of exemption available under the provisions of the Act in the first proviso to Section 24(4) of the Act. The point in case of what allegations of corruption, the applicability of the Act precludes certain documents to be revealed, can be considered only when the above referred to Government Order is clarified. Therefore, the Public Department of the Government of Tamil Nadu has to clarify G.O.Ms.No.1043, though it has not been impleaded as a party to this writ petition and hence, either the petitioner or the respondents is directed to approach the Secretary, Public Department, Government of Tamil Nadu with regard to the clarification in respect of first proviso to Section 24(4) of the Act and the Government of Tamil Nadu has to come out with a clarification to clear that in cases of allegation of corruption,

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whether the applicability of the Act, can be considered. Thereafter, it is left open to the parties to the proceedings to clarify the position and the petitioner may approach the first respondent for the remaining relief in respect of his claim for furnishing certain information and documents under the provisions of the Act. Only then, the relief sought in this writ petition may be considered as otherwise, the information furnished to the petitioner as per G.O. Ms.No.1043, appears to be in accordance with the provisions of the Act.

With the above directions and observation, the writ petition is disposed of. No costs. Consequently, connected M.P. No.1 of 2007 is closed.

abe

Sd/
Asst.Registrar

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Sub Asst.Registrar

To

1. The Secretary,
   Tamil Nadu Information Commission,
   Kamadhenu Super Market (1st Floor),
   Old No.273/New No.378, Anna Salai,
   Teynampet, Chennai 600 018.

2. The Commissioner of Police,
   Greater Chennai,
   Egmore, Chennai 600 008.

3. The Superintendent of Police,
   Crime Branch - C.I.D. (North Zone),
   Omandhurar Government Estate,
   Chennai 600 002.

+ 1 cc to the Government Pleader, SR No.65657
+ 1 cc to Mr. G. R. Associates, SR No.64110
+ 2 ccs to Mr. Vishwanth Swami, SR no. 64204

SJ(CO)
SR/30.10.2007

order in
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